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SUBJECT: ELECTIONS UPDATE: GUTIERREZ BARRED, POPULIST
ALLIANCE UNCERTAIN

REF: QUITO 01707

¶1. (U) Summary: The Constitutional Court on July 18 ruled that ex-President Lucio Gutierrez could not run for public office until 2007. With Gutierrez blocked from running, a PRIAN-PSP alliance is a strong possibility and could produce a strong showing in this year's elections. In the interim, however, Alvaro Noboa's support has shifted to presidential hopeful Cynthia Viteri in Quito, and Rafael Correa is gaining points along the Coast. Center-left candidate Leon Roldos maintains a slight edge over the two in both regions. The GOE has requested OAS election assistance, with up to 50 observers expected to arrive 25 days before elections. End Summary.

Gutierrez's Candidacy Barred

¶2. (SBU) The Supreme Electoral Tribunal (TSE) opened candidate inscriptions on July 16 for the October 15 general elections. The inscription period ends on August 15. Ex-president Lucio Gutierrez was the first candidate to attempt registration, presenting his name to the TSE on July 16. The Constitutional Court (TC), however, upheld an earlier judgment and ruled in a 6-3 decision on July 18 that he could not run for public office at any level until 2007.

¶3. (U) The TSE in 2005 barred Gutierrez from running for political office, claiming that he violated campaign financing laws in accepting an unreported USD 1,051 in funds from international sources in his 2002 presidential campaign. Earlier this year, however, Judge Nelson Maza of the Napo Province suspended the TSE's judgment, giving Gutierrez authorization to participate in the 2006 elections. The TC's July 18 ruling reversed Maza's ruling, thereby closing the book on Gutierrez's candidacy. In his defense, Gutierrez claimed that the contributions came in August of 2001 when his political party, The Patriotic Society (PSP), did not yet exist (PSP registered as a political party in February 2002).

¶4. (U) Even if the TC had not ruled against Gutierrez, numerous obstacles remained in his path to inscription. Foremost was Article 98 of the Ecuadorian Constitution which prohibits presidents from serving consecutive terms. Gutierrez contended that the constitution does not provide guidance on his situation, and argued that the 2003-2007 presidential term for which he was elected ended April 20, 2005 when a coup forced him to step down and Alfredo Palacio assumed the presidency. (Reftel)

Noboa's Withdrawal Causes Shift in Polls

15. (U) An Opinion Profiles poll published in El Universo newspaper found that Noboa's withdrawal from the presidential race is currently benefiting Viteri and Correa. The poll, which surveyed 514 individuals, shows Viteri at 5.4% in Quito and 21.6% in Guayaquil in June, jumping to 10.1% in Quito in July and rising slightly to 22% in Guayaquil. Correa meanwhile, shows only a slight rise from June to July in Quito (from 6.8% to 7.2%) but a large jump in Guayaquil (from 6.6% to 12.1%). Support for Roldos rose slightly in Quito (20% to 20.7%), and dropped slightly in Guayaquil (23.9% to 22.3%) during the same period. The survey found that 35% of respondents remain undecided.

Noboa's Support Base Up for Grabs?

16. (SBU) Political scientist and FLACSO professor Simon Pachano told PolOffs on July 18 that a populist alliance between Gutierrez's PSP and Noboa's PRIAN is a strong possibility. He was less certain, however, that the PRE party would participate. Pachano said that PRIAN was waiting for the TC's decision on whether Gutierrez would be allowed to run before announcing a new election strategy. Pachano believes that a PSP-PRIAN alliance, with the right candidates, would be strong enough to alter current election dynamics forcing a three-way Roldos-ID, PSC, PSP-PRIAN battle, to which PSC would be the biggest loser. PolOffs spoke with congressman Vicente Taiano of the PRIAN party on July 19 who said his party had not yet considered an alliance (Septel).

17. (SBU) Pachano said that if the PSP and PRIAN fail to

unite, the Social Christian Party (PSC) is best placed to benefit from Noboa's withdrawal from the presidential race. Pachano considers the PRIAN and PSC to be close, both in political ideology (center-right) and populist appeal. He believes that PRE is weak and thinks that the PSC, with its ability to offer resources and public works, is in a position to take most of the PRIAN's votes. After suffering several public rejections of proposals for her vice presidential slot, Pachano questioned the strength of Viteri's campaign. Viteri, responding to Alfonso Espinosa de los Monteros' July 14 announcement that he would not run for vice president, said that she would select someone by August 10.

18. (SBU) Pachano did not think there was any real chance to break Ecuador's vicious cycle of ungovernability, but thought the Roldos-ID alliance had the best chance as they will likely have a strong congressional block. Pachano predicted the ID party would gain or at least maintain their Congressional seats, with the PSC party losing some seats.

A Fragmented Pachakutik Pushes Forward

19. (SBU) Indigenous leader and head of indigenous development agency CODENPE Lourdes Tiban told PolOff on July 18 that Luis Macas, the indigenous Pachakutik party candidate had chosen a native of Guayaquil as his running mate and would be announcing this shortly. Macas would also soon officially register with the TSE, she said. Tiban said that Pachakutik had let the bases decide on the presidential candidate and she was at first surprised Auki Tituana, the mayor of Cotacachi, did not get the nomination, but said that as a national indigenous leader, Macas was much more familiar to indigenous. Pachakutik remains divided, however, with some coastal indigenous leaders claiming the Macas candidacy was imposed.

GOE Requests OAS Election Assistance

110. (U) The GOE has officially requested OAS election

assistance; a chief of mission and technical deputy will be appointed the week of July 24. An OAS team of up to 50 observers is expected to arrive 25 days before elections, inviting other member nations to participate. The TSE still needs to produce a regulation for election observations. Nationwide the TSE will have 34,618 voting tables in 2144 voting locations. There will be 500 voting tables abroad.

Comment

¶11. (SBU) With Gutierrez and Noboa out of the running, the electoral panorama should begin to take shape. However, Gutierrez's insistence on inserting himself in the 2006 elections and the uncertainty of a PSP-PRIAN leaves considerable room for a major candidate support shift in coming weeks.

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